

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

TIFFANY SHARPE, individually, and on
behalf of all other similarly situated
individuals who consent to become Plaintiffs

Court File No. 09-CV-329

Plaintiffs,

**JOINT STIPULATION OF DISMISSAL
WITH PREJUDICE**

vs.

APAC CUSTOMER SERVICES, INC.,

Defendant

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, and in accordance with the terms and conditions set forth in the parties' Stipulation for Resolution and Release of Claims (Doc. No. 85-1), this Joint Stipulation of Dismissal with Prejudice is made and entered into between named plaintiff Tiffany Sharpe ("Plaintiff Sharpe") and the opt-in plaintiffs who have filed consent forms with the Court (collectively, "the Settling Plaintiffs"), by and through their undersigned attorneys, on the one hand; and Defendant APAC Customer Services, Inc., and any of its parent organizations, predecessors, successors, divisions, partners, subsidiaries, affiliates, owners, assigns, shareholders, insurers, and affiliates, and any of its/their current or former officers, directors, employees, trustees, agents, owners, shareholders, assigns, insurers, and attorneys (collectively, "APAC"), by and through its/their undersigned attorneys, on the other hand.

I. STIPULATED RECITALS.

A. On June 6, 2010, Plaintiff Sharpe filed a Motion for Approval of FLSA Collective Action Resolution ("the Motion for Approval"). (*See* Doc. No. 85.) Attached as Exhibit A to the Motion for Approval was a fully-executed copy of the Stipulation for Resolution and Release

of Claims (“the Stipulation”) entered into between Plaintiff Sharpe and APAC. (*See* Doc. No. 85-1.) A proposed Notice and Claims Administration Form were attached as Exhibits 1 and 2, respectively, to the Stipulation. (*See* Doc. No. 85-1, Exs. 1-2.)

B. On June 16, 2010, the Court entered an Order granting the Motion for Approval, approving the Stipulation, proposed Notice, and Claims Administration Form, but reserving ruling on Plaintiff Sharpe’s counsel’s request for attorneys’ fees and costs. (*See* Doc. No. 89.)

C. Thereafter, on June 24, 2010, APAC filed a Motion for Clarification of Order Granting Plaintiffs’ Motion for Approval of FLSA Collective Action Resolution (“the Motion for Clarification”). (*See* Doc. No. 90.) On July 7, 2010, the Court entered an Order granting in part, and denying in part, the Motion for Clarification. (*See* Doc. No. 95.)

D. On August 11, 2010, the Court entered an Order on Plaintiff Sharpe’s counsel’s request for attorneys’ fees and costs. (*See* Doc. No. 98.)

E. Pursuant to the terms and conditions of the Stipulation, a third-party claims administrator mutually agreed-upon by the parties (“the Claims Administrator”) was tasked with issuing the Court-approved Notice and Claims Administration Form to potential claimants. (*See* Doc. No. 85-1, pp. 4, 9.)

F. Commencing on August 26, 2010, the Court-approved Notice and Claims Administration Form were issued to potential claimants, who were provided until October 25, 2010, to complete and return a signed Claims Administration Form.

G. Pursuant to the terms of the Stipulation, Plaintiff Sharpe’s counsel filed the second page of each valid and accepted Claims Administration Form with the Court on November 12 and 23, 2010. (*See* Doc. Nos. 99, 100.)

H. Pursuant to the terms of the Stipulation and the Court’s Order on Plaintiff

Sharpe's counsel's requests for attorneys' fees and costs, APAC has tendered to the Claims Administrator: (1) all individual settlement award checks; (2) all service award amounts payable to Plaintiff Sharpe and the nine opt-in plaintiffs who participated in a deposition; and (3) the attorneys' fees, costs, and expenses awarded by the Court to Plaintiff Sharpe's counsel (collectively, "the Net Settlement Amount").

I. Pursuant to the terms of the Stipulation, the Net Settlement Amount is to be distributed by the Claims Administrator within five (5) days after entry of an order dismissing the lawsuit with prejudice.

II. DISMISSAL OF THE LAWSUIT WITH PREJUDICE.

Pursuant to the terms and conditions of this Joint Stipulation of Dismissal with Prejudice, which incorporates by reference the Stipulation (Doc. No. 85-1), the Settling Plaintiffs and APAC agree that the lawsuit may and should be dismissed by the Court **WITH PREJUDICE**. Except as otherwise provided in the Stipulation and the Court's Order on Plaintiff Sharpe's counsel's request for attorneys' fees and costs (Doc. No. 98), all parties will be responsible for their own costs, expenses, and attorneys' fees.

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